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EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to the Advisory

In view of applicant's request to reconsider the rejection over record following Advisory Action is issued.

Instant claim 9 is a product by process claim, which recite polylactic acid article formed from a sheet. In product by process claims the patentable weight is given to the product and not to the process by which it is made. Therefore limitation of "formed from a sheet of resin" does not carry patentable weight. The claims are directed to article composition and its properties.

Instant claim 11 is a process claim, which discloses steps of extruding resin composition into a sheet and forming sheet into the article by newly added limitation of vacuum forming, air pressure forming or vacuum air pressure forming while heat treating.

In their arguments the applicants have specifically underlined following terms:

Page 2 of the response "...Heat treating the sheet in a metal mold at a temperature of 110-150°C for 1-30 second...".

The above limitation does not carry patentable weight in claim 9 since the claim is a product by process claim.

Art Unit: 1796

For claim 11 – based on currently pending claim, the limitation of heat treatment is attributed to forming an article by a method disclosed therein in a die and not to (as argued by the applicants) heat treating the sheet in a metal mold. Which one is it? Just because the sheet is treated that does not mean an article of the instant invention is formed. Heat treating can simply mean steps such as drying

Page 2 applicants further underlined term "...is softened through heating...".

The above limitation does not carry patentable weight in claim 9 since the claim is a product by process claim.

For claim 11 – this limitation is not part of the claim 11 therefore the applicant's arguments are not commensurate with the scope of the claim and as a result with the scope of rejection.